

REMARKS

Claims 1, 3-8, 10-16, and 18-24 are pending in the application.

By this Preliminary Amendment, new claim 24 is added. The amendment introduces no new matter.

It is noted that the claims amendments are made only for pointing out the claimed invention more particularly, and not for distinguishing the invention over the prior art, narrowing the claims, or for statutory requirements for patentability. Further Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

I. THE CLAIMED INVENTION

An exemplary aspect of the claimed invention, as recited in independent claim 1, is directed to a method of automatically replying to a received e-mail in a mobile terminal having a function of transmitting and receiving an e-mail, the method including determining whether to automatically reply to the received e-mail, determining whether the received e-mail originates from a known address, determining whether text data is associated with the known address, determining whether image data is associated with the known address, editing the image data in accordance with the known address, automatically transmitting the image data determined in accordance with the known address of the received e-mail to the address if the method determines to automatically reply to the received e-mail.

Another exemplary aspect of the claimed invention, as recited in independent claim 6, is directed to a method of automatically replying to a received e-mail in a mobile terminal having a function of transmitting and receiving an e-mail, including checking whether an address of a transmitter of a received e-mail is stored in a memory, checking whether image

data associated with the address is stored in the memory, editing the image data in accordance with the address, and transmitting the image data to the address.

Another exemplary aspect of the claimed invention, as recited in independent claim 11, is directed to a mobile terminal having functions of transmitting and receiving an e-mail, and automatically replying to a received e-mail, comprising a controller for automatically transmitting image data determined in accordance with an address of a transmitter of the received e-mail.

Another exemplary aspect of the claimed invention, as recited in independent claim 19, is directed to a computer readable medium having a program for causing a computer to carry out a method of automatically replying to a received e-mail in a mobile terminal comprising a function of transmitting and receiving an e-mail, wherein steps executed by said computer in accordance with said program include and automatically transmitting image data determined in accordance with an address of a transmitter of said received e-mail, to said address, from a terminal.

Another exemplary aspect of the claimed invention, as recited in independent claim 20, is directed to a computer readable medium comprising a program for causing a computer to carry out a method of automatically replying to a received e-mail in a mobile terminal comprising a function of transmitting and receiving an e-mail, wherein steps executed by the computer in accordance with the program include checking whether an address of a transmitter of a received e-mail is stored in a memory, checking whether image data associated with said address is stored in said memory, checking whether text data is associated with the known address, editing the image data in accordance with the known address, and transmitting said image data to said address.

Another exemplary aspect of the claimed invention, as recited in dependent claim 24, recites that said controller receives the received email from an associated external server, determines the automatic reply to the received email according to whether an address of the received email is stored within the first memory area, associating the moving data from the second memory area with the automatic reply if the first memory area found the address of the received email, and associating the message from the third memory area with the automatic reply if the first memory area found the address of the received email, and sending the automatic reply to the associated external server.

Conventional automatic e-mail response devices require that the server perform the forwarding of e-mails. Further, conventional automatic e-mail response methods, however, only allow characters and letters for making a response. Thus, the conventional automatic e-mail response results in reduced visibility. In addition, these characters and letters are predetermined by the manufacturer and therefore cannot be edited or revised by the user.

The claimed invention, however, includes “editing said image data in accordance with said address,” as recited, for example, in independent claim 6. This is important for providing visibility to a user and to allow the user to edit a response e-mail (e.g., see Application at page 3, lines 25-29). Furthermore, the claimed invention also provides, “a controller for automatically transmitting image data determined in accordance with an address of a transmitter of the received e-mail,” as recited in independent claim 11. This feature is important for allowing the terminal itself to respond to and automatically forward e-mails (e.g., see Application at page 4, lines 1-14).

First, Schwartz discloses that messages are also stored at a “message server,” and not at mobile terminal, as recited, for example, in claim 6. Nor does Schwartz disclose or suggest

“said controller receives the received email from an associated external server, determines the automatic reply to the received email according to whether an address of the received email is stored within the first memory area, associating the moving data from the second memory area with the automatic reply if the first memory area found the address of the received email, and associating the message from the third memory area with the automatic reply if the first memory area found the address of the received email, and sending the automatic reply to the associated external server,” as recited in dependent claim 24 because Schwartz discloses a message server 16 that connects various terminals 12 and 14. The message server performs the forwarding and automatic reply functions. Indeed, each terminal 12 and 14, for example, are incapable of providing replies, as opposed to the claimed invention.

That is, unlike the claimed invention, Schwartz does not disclose or suggest that the terminal itself performs these functions and therefore the terminals in Schwartz rely on the message server. Contrary to the conventional art disclosed in Schwartz, the claimed invention does not require a message server or an external server to be prearranged with forwarding information. Instead, an individual terminal user may direct an automatic image reply.

In addition, Schwartz does not disclose or suggest “editing said image data in accordance with said address,” as recited, for example, in independent claim 6, the “said address” being “an address of a transmitter of a received email.” Accordingly, the reply message does not undergo the “editing [of] said image data in accordance with said address,” as recited, for example, in independent claim 6.

Instead, Schwartz discloses that the messages that are forwarded and selected “based on predetermined criteria.” See Schwartz, Paragraph 15. Further, this reply message is sent

as stored. Furthermore, Schwartz then discloses that “the recipient may select from one or more standard messages and/or replay files or may generate sender-specific reply messages or files based on predetermined criteria.” (emphasis added) That is, these messages are pregenerated, and not edited.

Furthermore, Schwartz discloses that the reply messages and other files are stored at an associated message server, or database associated with that server, not at the terminal itself. Therefore, the terminal of Schwartz cannot act independently of the server. Accordingly, Schwartz does not disclose or suggest the controller recited in the independent claims or in new dependent claim 24.

In view of the foregoing, Applicant submits that claims 1, 3-8, 10-16, and 18-24, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney’s Deposit Account No. ~~50-0481~~.

Date: 10/30/8
McGinn IP Law Group, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254

Respectfully Submitted,



Joseph Peter Hrutka, Esq.
Registration No. 53,918

Sean M. McGinn, Esq.
Registration No. 34,386